

Congress of the United States
House of Representatives
Washington, DC 20515-0545

October 29, 2020

Mr. Jeff McElfresh
Chief Executive Officer
AT&T Communications
208 South Akard Street
Dallas, TX 75202

Dear Mr. McElfresh,

I write to you today about the COVID outbreak at the AT&T call center in Tustin, California. I am gravely concerned by what appears to be a lack of timely action to protect employees, an insufficient sick leave policy, and a refusal to answer basic questions about the handling of this outbreak. As of yesterday, at least 35 workers at the Tustin call center have tested positive for COVID, and at least one has died. I urge AT&T to investigate this tragedy, comply with all applicable public health safeguards, and identify ways to prevent future outbreaks in its workplace.

The AT&T call center in Tustin employs roughly 275 customer service representatives, with about 150 working in the “residential customer service” section of the call center where this outbreak occurred. The other employees, who work with business clients, are permitted to work from home. Since March, the residential customer service units have been requesting a work-from-home option. These requests have been denied repeatedly. AT&T management has apparently cited concerns about security of customer data, even though the business customer service units are permitted to work remotely. Although employees on-site were required to wear masks and work stations were reconfigured to maximize social distancing, workers, including many with risk factors like hypertension and high blood pressure, felt that these precautions were inadequate, especially given poor ventilation in the call center. For months now, the increased risk of COVID to those engaged in talking indoors has been documented.

Despite these risks, AT&T failed to prioritize the safety of its employees. AT&T did not create a regular COVID testing program for on-site employees. Instead, AT&T required employees to self-report any symptoms or exposure via an app. To make matters worse, employees who reported ailments such as headache or nausea were required to take three days of unpaid leave, with the option of using paid vacation days. Paid sick leave started only if and when a worker tested positive for COVID. A prudent self-reporting policy would incentivize workers to err on the side of caution, not dock their pay for doing so during a global pandemic that has created extreme financial hardship for millions of Americans.

AT&T also failed to take timely action to protect workers after the start of the outbreak. According to employees at the Tustin call center, the first two COVID cases were reported on Monday,

October 19. Two more cases were reported on Tuesday, with a total of six cases reported by Wednesday morning. There were ten total cases by close of business Wednesday afternoon. Yet at that same moment, management informed workers that it had conducted contact tracing and found no evidence of an outbreak in Tustin call center employees. The total number of cases rose to 17 on Thursday and 24 on Friday. AT&T did not announce a two-week shutdown of the Tustin facility until Monday October 26—a week after the outbreak. By the time you took any reasonable measures, at least 30 workers were sick and at least one had died.

During this same period, there were no COVID cases reported by any of the customer services representatives working remotely for AT&T. Cases for Orange County were low; these workers were sickened at AT&T. In fact, the AT&T workers account for a measurable number of the total COVID cases during the week of October 19-25.

This fact pattern, if true, raises a number of questions about AT&T's compliance with California State law. Under AB 685, California employers must provide a written notice to all employees who were on the premises at the same worksite as a person who was infectious with COVID-19 within one business day of becoming aware of the infection.¹ This did not happen and is a potential violation of state law.

Additionally, under Title 8 of the California Code of Regulations, California employers must report to Cal/OSHA any serious illness or death of an employee that occurred at work or in connection with work within eight hours of when they knew or should have known of the illness.² However, more than 48 hours after the start of the outbreak, AT&T still maintained to workers that there were no cases connected to the call center. This is another potential violation of state law.

This conduct also calls into question AT&T's suitability as a federal government contractor. Under section 9.104 of the Federal Acquisition Regulations, prospective contractors must "have a satisfactory record of integrity and business ethics" applicable to the work being performed.³ Section 15.304 further requires contracting officers to consider past performance in areas which include workplace safety.⁴ Though the workers in the Tustin call center are not federal contractors, management of the outbreak in Tustin is cause for concern about worker safety in AT&T units that do provide customer support for U.S. government clients.

To further understand the circumstances surrounding the Tustin call center outbreak, and to promote public health and safety in our community, I respectfully request your answers to the following questions:

1. What specific data protection issues are there that prevent residential customer service representatives from working remotely but do not apply to business customers?
2. What reasons, other than your bottom line or expense, justify the refusal to create ways for residential customer service representatives to protect data while working remotely?

¹ California Assembly Bill No. 685 (Reyes), Section 4.

² California Code of Regulations, title 8, Chapter 3.2, Subchapter 2, Article 3, Part 342.

³ FAR 9.104-1.

⁴ FAR 15.304.

3. When was the first COVID case in the Tustin call center reported to AT&T?
4. When did AT&T provide written notice to workers who were on site with infected individuals?
5. Did AT&T conduct contact tracing, and if so, how did the contact tracing program determine that there were no COVID cases connected to the Tustin call center?
6. When did AT&T inform Cal/OSHA of the COVID outbreak at the Tustin call center?
7. Will AT&T commit to providing workers with paid leave when they report possible exposure to COVID or are experiencing COVID-like symptoms?
8. Will AT&T commit to providing all workers at the Tustin call center with a work-from-home option?

Thank you for your attention to these questions, which will help identify ways that this tragedy could have been avoided. I look forward to your response in writing by Monday, November 9, and join you in hoping there are not further cases or deaths from this outbreak.

Very Truly Yours,



Katie Porter
MEMBER OF CONGRESS

Cc:

The Honorable Xavier Becerra, Attorney General, State of California

Mr. Doug Parker, Chief, Cal/OSHA

Margaret Bredehoft, DrPH, Deputy Agency Director, Orange County Public Health Services